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EXAMINER

SHERKAT, AREZOO

ART UNIT PAPER NUMBER

2131

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/942,606

Applicant(s)

UEMURA, TETSUYA

Examiner

Arezoo Sherkat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

This office action is responsive to Applicant's amendment received on January 26, 2005. Claims 1-4 are cancelled, claims 5-11 are amended, and claims 12-18 are added.

***Response to Arguments***

Applicant's arguments with respect to claims 5-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-16 are rejected under 35 U.S.C. 102(b) as being anticipated by LeMole et al., (U.S. Patent No. 6,009,410 and LeMole hereinafter).

Regarding claim 5, LeMole discloses an apparatus for distributing contents to a client, comprising:

an apparatus for collecting contents access situation information from the client,  
an apparatus for analyzing contents access trends based on the contents access

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situation information, an apparatus for transmitting the contents access trends to a server which predicts contents expected to be in demand in the future based on the contents access trends and transmits the contents, and an apparatus for receiving the contents expected to be in demand in the future from the server, and apparatus for storing the received content, and an apparatus for transmitting the contents to the client in accordance with request from the client (Col. 4, lines 1-67 and Col. 5, lines 1-67 and Col. 6, lines 1-45).

Regarding claim 6, LeMole discloses an apparatus for distributing contents to a client, comprising:

an apparatus for transmitting the contents access situation information to the server which transmits a list of the contents predicted, an apparatus for receiving the list of the contents from the server, and an apparatus for acquiring the contents based on the list of the contents (Col. 4, lines 1-67 and Col. 5, lines 1-67 and Col. 6, lines 1-45).

Regarding claim 7, LeMole discloses an apparatus for distributing contents to a client, comprising:

an apparatus for collecting contents access situation information from the client, an apparatus for transmitting the contents access situation information to a server which analyzes contents access trends based on the contents access situation information, predicting contents expected to be in demand in the future and transmits the contents predicted, and an apparatus for receiving the contents expected to be in demand in the

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future from the server, storing the received contents, and transmitting the contents to the client in accordance with a request from the client (Col. 4, lines 1-67 and Col. 5, lines 1-67 and Col. 6, lines 1-45).

Regarding claim 8, LeMole discloses an apparatus for distributing contents to a client, comprising:

an apparatus for collecting contents access situation information from the client, an apparatus for analyzing contents access trends based on the contents access situation information, an apparatus for transmitting the contents access trends to a server which predicts contents expected to be in demand in the future based on the contents access trends and transmits the contents, an apparatus for receiving the contents expected to be in demand in the future from the server, an apparatus for storing the received contents (i.e., the CAR server consults its associated database for the profile record associated with the user and, based on the stored profile, together with the context information associated with the previously visited sites, dynamically produces a personalized composite advertising page for the user)(Col. 6, lines 46-67 and Col. 7, lines 1-60);

an apparatus for storing a database for recording information for distinguishing a client and recording permission information concerning distribution of contents to the client, a database for recording information for distinguishing a client and recording permission information concerning distribution of contents to the client, a database access apparatus, an authentication apparatus for authenticating the client and

acquiring the information for distinguishing the client, an apparatus for receiving the permission information concerning distribution of contents to the client from a server which manages distribution permission information, an apparatus for requesting acquisition of permission to distribute the contents from the server to the client, and an apparatus for transmitting the contents to the client in accordance with a request from the client, wherein: the client distinguishing information is acquired by the authentication apparatus when contents distribution request is received from the client, the distribution permission information of the contents is checked for the client distinguishing information by the database access apparatus, the contents are distributed to the client when the distribution is permitted, a request is made to acquire permission to distribute the contents from the server to the client by the apparatus for requesting acquisition of permission when the distribution is not permitted, and the permission information concerning distribution of contents to the client is written by the database access apparatus onto the database for recording permission information, and the contents are distributed to the client when the apparatus for receiving the permission information (i.e., user profile) receives permission to distribute the contents to the client from the server (Col. 4, lines 1-67 and Col. 5, lines 1-67 and Col. 6, lines 1-45).

Regarding claim 10, LeMole discloses wherein both a first contents distribution apparatus and a second contents distribution apparatus are the contents distribution apparatus, wherein: the first contents distribution apparatus transmits first contents acquired from a neighboring server to the second contents distribution apparatus, and

the second contents distribution apparatus transmits second contents acquired from a neighboring server to the first contents distribution apparatus (Col. 4, lines 1-67 and Col. 5, lines 1-67 and Col. 6, lines 1-45).

Regarding claims 12 and 16, LeMole discloses wherein this apparatus receives the contents from the server before coming an access request from the client (Col. 5, lines 23-67 and Col. 6, lines 1-20).

Regarding claims 14 and 18, LeMole discloses wherein this apparatus distributes the contents to the client only when distribution of the contents to the client is permitted (Col. 4, lines 1-67 and Col. 5, lines 1-67 and Col. 6, lines 1-45).

Regarding claim 15, LeMole discloses comprising:  
an apparatus for transmitting the contents access situation information to the server which transmits a list of the contents predicted, an apparatus for receiving the list of the contents from the server, and an apparatus for acquiring the contents based on the list of the contents (Col. 5, lines 23-67 and Col. 6, lines 1-20).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeMole et al., (U.S. Patent No. 6,009,410 and LeMole hereinafter), in view of Alegre et al., (U.S. Patent No. 6,199,113 and Alegre hereinafter).

Teachings of LeMole with respect to claims 5 and 8 have been discussed previously.

Regarding claim 9, LeMole discloses distributing contents to the previously registered (i.e., authorized) user based on her surfing habits or interests and when distribution of the contents to the client is not permitted, the apparatus for receiving the permission information receives the distribution permission, and the database access apparatus writes the permission information onto the permission information concerning the distribution of the contents in the database (Col. 4, lines 1-67 and Col. 5, lines 1-67 and Col. 6, lines 1-45).

LeMole does not expressly disclose an encryption key to decrypt the encrypted distributed content.

However, Alegre discloses wherein: the contents are encrypted and an entry which registers the decryption key of the contents exists in the database, and the server manages the decryption key, the apparatus further comprises: an apparatus for requesting the decryption key from the server; an apparatus for receiving the decryption



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key from the server which manages the decryption key (Col. 4, lines 8-67 and Col. 5, lines 1-20); and

an apparatus for distributing the decryption key to the client, wherein: when distribution of the contents to the client is permitted and the decryption key is registered in the database, the decryption key is distributed to the client by the apparatus for distributing the decryption key, when distribution of the contents to the client is permitted and the decryption key is not registered in the database, the decryption key is requested from the server by the apparatus for requesting the decryption key, received by the apparatus for receiving the decryption key, registered in the database by the database access apparatus, and distributed to the client by the apparatus for distributing the decryption key, and the decryption key is requested from the server by the apparatus for requesting the decryption key, received from the server by the apparatus for receiving the decryption key, and distributed to the client by the apparatus for distributing the decryption key (Col. 6, lines 23-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify LeMole's method and system of customized advertising by including an encryption key to decrypt the encrypted distributed content as disclosed by Alegre. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Alegre to prevent an intruder from monitoring communications (Alegre, Col. 1, lines 13-55).

Regarding claim 11, LeMole does not expressly disclose an apparatus for determining a deletion timing of the contents acquired using the contents access situation information.

However, LeMole discloses an apparatus for determining a deletion timing of the contents (i.e., expiration criteria of the session key) acquired using the contents access situation information (Col. 4, lines 25-67 and Col. 5, lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify LeMole's method and system of customized advertising by including an apparatus for determining a deletion timing of the contents acquired using the contents access situation information as disclosed by Alegre. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Alegre to provide a high level of security for accesses to trusted network (Alegre, Col. 5, lines 1-6).

Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeMole et al., (U.S. Patent No. 6,009,410 and LeMole hereinafter), in view of Miller et al., (U.S. Patent No. 5,920,701 and Miller hereinafter).

Teachings of LeMole with respect to claims 5 and 7 have been discussed previously.

Regarding claims 13 and 17, LeMole does not expressly disclose receiving the contents from the server in a time zone when there is sufficient network bandwidth.

However, Miller discloses receiving the contents from the server in a time zone when there is sufficient network bandwidth (Col. 7, lines 49-67 and Col. 8, lines 1-17).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify LeMole's method and system of customized advertising by including receiving the contents from the server in a time zone when there is sufficient network bandwidth as disclosed by Miller. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Miller to coordinate the transfer of data to replicated sites from multiple content sources such that network resources are optimally utilized (Miller, Col. 1, lines 50-55).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huberman et al., (U.S. Patent No. 6,115,718),

Dutta, (U.S. Patent No. 6,832,240),

Slaney et al., (U.S. Publication No. 2002/006248),

Williams, (U.S. Publication No. 2001/0054029), and

Stoifo et al., (U.S. Publication No. 2001/0034709).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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